

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

***ATTORNEY DOCKET NO. 087354-0109***

Applicants: Roland R. THOMPSON et al.

Title: SYSTEM AND METHOD FOR PERFORMING  
SUBSTITUTE FULFILLMENT

Appl. No.: 09/683,093

Filing Date: 11/16/2001

Patent No. 7,430,519

Examiner: Jarrett, Scott L.

Art Unit: 3623

Confirmation 8060

Number:

**PETITION UNDER 37 CFR §1.182 TO CORRECT THE RECORD AND TO  
WITHDRAW THE PETITION DENIAL**

Director of the USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.182, Applicants hereby request that the record in the application file be corrected to include the signed Notice of Loss of Small Entity Status paper filed on May 20, 2008, and to withdraw the denial of petition issued on February 12, 2009.

The fee under 37 CFR 1.117(f) is included herewith.

**STATEMENT OF FACTS:**

A Notice of Loss of Small Entity Status paper was filed on May 20, 2008. See **Exhibit A**, which comprises a signed copy of that paper, a Credit Card Payment Form, and a **postcard**

**stamped by the US Patent & Trademark Office (USPTO) with the log-in date of May 20, 2008.** This signed paper provided payment for the difference between small entity fees and large entity fees for filings made in this application from the date of filing.

An accountant in the Foley & Lardner accounting department determined in February 2009, that the USPTO had not charged the designated credit card account in the form for the small entity-to-large entity fee difference, and filed a Communication Regarding Fees Charged To Credit Card, on February 11, 2009, (**Exhibit B**) to inform the USPTO that the credit card account had not yet been charged for the fee difference set forth in **Exhibit A**. **Exhibit B** also included as an unsigned attachment labeled “Copy of Filing” pulled from the Foley & Lardner database, under that firm docket number, the Word document “Notification of Loss of Entitlement to Small Entity Status”, to indicate the paper that was being referenced for the payment.

The credit card account had earlier been **charged a \$130 petition fee on July 14, 2008 for the receipt of the petition**, and then the small entity-to-large entity fee difference of **\$5526 on February 12, 2009**, for this serial number. See **Exhibit C**.

A subsequent Petition Decision was issued by the USPTO on March 26, 2009 (**Exhibit D**) after the charge of the credit card account had already been made for this application, denying the payment of additional fees, based, not on the signed filing of **Exhibit A** logged in by the USPTO on May 20, 2008, but on the attachment to the accountant’s Communication Regarding Fees Charged To Credit Card, filed on February 11, 2009, comprising the database unsigned copy of the paper.

Applicants Petition to have **Exhibit A** entered into the record for this application and to have the petition denial of **Exhibit D** withdrawn.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please contact the undersigned with any additional questions.

Respectfully submitted,

1/11/10  
Date

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THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL MAILROOM STAMP  
AFFIXED HERETO ACKNOWLEDGED RECEIPT OF THE ITEMS CHECKED BELOW:

Via Hand Delivery

Title: SYSTEM AND METHOD FOR PERFORMING SUBSTITUTE FULFILLMENT

Inventor(s): Roland R. THOMPSON et al.

Dkt. No. 087354-0109

Appl. No.: 09/683,093

- Credit Card Payment Form for \$5,526.00 (1 pg.);
- Notification of Loss of Entitlement to Small Entity Status (4 pgs.).

Date Filed: 05-01-08

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Attorney Initials: WTE\phs\vh  
Insp. By: PS

LOG ID NO.: 62160

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